

Appl. No. 09/811,360
Amendment dated October 6, 2005
Reply to Office Action mailed May 12, 2005

Attorney Docket No. 355004-991501

REMARKS/ARGUMENTS

Remarks

Claims 1, 4-6, 8-25, 28-43, 50-52 and 54-55 are pending in this application. Claim 25 is currently amended for an informality.

Claim Objections

Claim 25 has been amended to correct the informality raised by the Examiner, and the objection is thereby overcome.

Claim Rejections Under 35 U.S.C. 103

Claims 1, 4-6, 8-25, 28-39, 41-43, 50-52, 54 and 55 are rejected under 35 U.S.C. 103 as being unpatentable over U.S. patents 4,550,450 to Kinnett, 5,326,366 to Pascarella et al., 4,042,980 to Swanson et al., and German patent DE 1164019 to Chiron-Werke. Each of these claims, as previously amended, is allowable because there is no suggestion or motivation to combine these references because Pascarella et al. represents non-analogous prior art.

Pascarella et al. specifically relates to a biomechanical implant for resurfacing a damaged phalanx of a human big toe. The present invention, by contrast, specifically relates to total shoulder arthroplasty. Not only is the human shoulder joint vastly different both geometrically and bio-mechanically to the proximal phalanx of the human big toe, but each of these areas of human physiology represent entirely separate medical specialties.

Orthopedic surgeons in general orthopedic practice are inexperienced in total shoulder arthroplasty and typically refer such cases to shoulder specialists when a shoulder arthroplasty is necessary. Indeed, many primary care physicians do not even know that a prosthetic total shoulder arthroplasty exists

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